

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CENTRAL SECTION

LOUIS ALBERGHINI,
Plaintiff,

v.

SIMONDS INDUSTRIES, INC.,
Defendant.

CIVIL ACTION NO. 04CV40092

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
40092

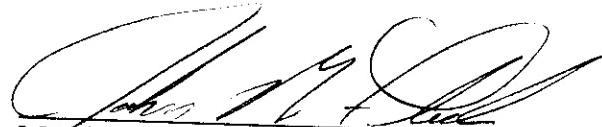
**PLAINTIFF'S UNOPPOSED MOTION TO FILE AN ANSWER
LATE TO DEFENDANT'S COUNTERCLAIMS**

NOW COMES, the Plaintiff by his attorneys, to move this court to allow the Plaintiff to file an answer late to Defendant's counterclaims. As good reason therefor, the Plaintiff states as follows:

1. The lead attorney in this case, Marcia L. Elliott, was out of state in Florida to take the bar examination there when the Defendant filed its answer and counterclaim. Due to excusable neglect, Ms. Elliott failed to file the answer to Defendant's counterclaims.
2. Ms. Elliott discovered the error in preparing the initial disclosures for the case. Apparently, the Defendant's legal counsel, Jonathan Sigel, was not aware either that the answer to the counterclaims had not been filed, as Ms. Elliott brought it to his attention yesterday, October 14, 2004.
3. Mr. Sigel states he will not oppose the motion. Ms. Elliott had previously allowed Mr. Sigel to file his answer late to the Plaintiff's complaint.
4. Since the Defendant had not taken any action as a result of Ms. Elliott's excusable neglect, the Defendant will not be prejudiced by the allowance of this motion.

WHEREFORE, the Plaintiff prays that the court will allow the Plaintiff to file the answer to Defendant's counterclaims, which is attached hereto, late.

LOUIS ALBERGHINI,
By his attorneys,

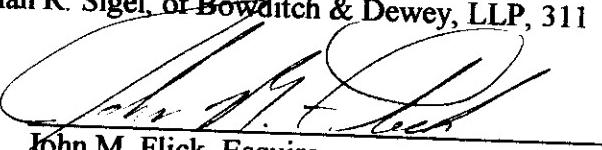


Marcia L. Elliott, Esq. (BBO# 564291)
John M. Flick, Esq. (BBO# 652169)
Elliott Law Office, P.C.
301 Central Street
Gardner, MA 01440
(978) 632-7948

Dated: October 15, 2004

CERTIFICATE OF SERVICE

I, John M. Flick, Esquire, hereby certify that I have this day served a true copy of the foregoing by hand to Defendant's attorney, Jonathan R. Sigel, of Bowditch & Dewey, LLP, 311 Main Street, Worcester, MA 01608-1552.



John M. Flick, Esquire